



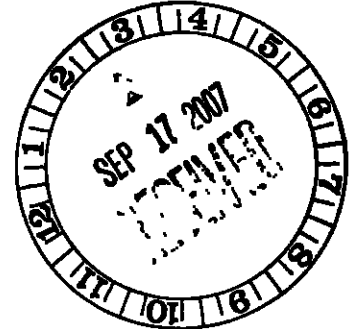
Office of the Mayor
John Hieftje

CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Phone (734) 994-2766 • Fax (734) 332-5966

<http://www.a2gov.org>



September 14, 2007

Docket Number FD 35065

From John Hieftje, Mayor
City of Ann Arbor
100 N Fifth Avenue
Ann Arbor, MI 48103

ENTERED
Office of Proceedings

SEP 17 2007

Part of
Public Record

To Vernon Williams, Secretary
Surface Transportation Board
Washington, D C 20423
202-245-0462

The City of Ann Arbor, per unanimous approval of R-395-8-07 (see attached) on August 20, 2007, by the Mayor and City Council is filing a formal protest opposing the lease/sale or otherwise transfer any section of the prime and improved Michigan railroad track from Ypsilanti to Kalamazoo owned by the Class I Norfolk- Southern Railroad to WATCO Companies, a Class III railroad operator. Such approval would seriously jeopardize the Wolverine and Blue Water Amtrak routes as well as the projected Ann Arbor to Detroit commuter line.

The City of Ann Arbor recognizes the extensive investment of \$38 million by the State of Michigan, Amtrak and the Federal Railroad Administration in improved track and signaling to enable high speed rail passenger trains to travel 90 mph currently and 110 mph by the end of 2007. Reflecting the increased attraction of passenger rail, the Amtrak Wolverine, which uses the track in question, sold 142,185 tickets (report for January 30, 2007,) a 6% increase over the previous year.

With the continued increase of Amtrak usage in the state of Michigan, now is not the time to diminish fast passenger train service. At a time when the American people are experiencing record gas prices and our population is growing older, it is more important than ever for the Surface Transportation Board to assure time-competitive and safe passenger train service. At a

time when Michigan is struggling to balance its budget, this is not the time to impede the promise of the economic development by the projected Ann Arbor-Detroit commuter line

The City of Ann Arbor is most concerned that given Class III railroads' record and financial capability for track maintenance, the new top speed for passenger and freight rail may decline from 79 mph to a top speed of only 45 mph. This decrease in speed may indeed block development of the Midwest Regional Rail Initiative and the Ohio Hub, while seriously lowering the efficiency of the Midwest's entire passenger rail system.

The City of Ann Arbor is much concerned that the WATCO Companies do not operate any of their sixteen short lines at a speed of 79 mph. Further, one of WATCO Companies Oklahoma short lines has violated its contract with the State of Oklahoma maintaining speeds of only 10 mph instead of the contracted 30 mph. The State of Oklahoma has filed a suit for breach of contract.

To maintain Amtrak passenger service at current service levels, railway must be maintained at Amtrak operating standards and service must run unimpeded by local WATCO rail movements on the line. These requirements must be clear and legally binding within any lease/sale or otherwise transfer agreement of this rail right-of-way in order to protect current passenger service between Detroit and Chicago.

As an organization committed to fighting global warming, (name of organization) is concerned that decreasing the efficiency of passenger train travel would increase carbon emissions as former Amtrak passengers elect to drive or fly. One train carrying 200 people between Detroit and Chicago saves 22 tons of CO2 compared to 200 cars and 15 tons compared to two jets carrying that many passengers.

The City of Ann Arbor believes it would be far better for the Norfolk-Southern to enter into serious negotiations with the State of Michigan and Amtrak than to unilaterally decide, despite large public investment, to sell to a short line that does not have the economic viability to maintain prime railroad track at existing levels.

Furthermore, in agreement with other municipal jurisdictions including Jackson, Albion, Marshall, Battle Creek, Springfield, Kalamazoo, Kalamazoo County and Portage, insist that any lease/sale or transfer agreement provide that the rail right-of-way default to Amtrak for operation and maintenance, should the sale/lease be consummated and should WATCO be unable or unwilling to maintain said right-of-way at Amtrak operating standards.

In summary, and for all reasons noted above, the City of Ann Arbor strongly opposes the proposed lease, sale or transfer of railroad right-of-way between Willow Run and Kalamazoo to WATCO Companies by Norfolk-Southern Railroad.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hieftje". The signature is fluid and cursive, with a large initial "J" and "H".

John Hieftje, Mayor



Office of the Mayor
John Hieftje

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I, John Hieftje, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am authorized to file this pleading. Executed on September 14, 2007.



John. C. Hieftje

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WASHTENAW AREA TRANSPORTATION STUDY

705 NORTH ZEEB ROAD 2nd Floor
ANN ARBOR, MICHIGAN 48103-1560
PHONE (734)994-3127 FAX (734)994-3129
WEBSITE WWW.MIWATS.ORG
E-MAIL WATS@MIWATS.ORG

September 14, 2007

Docket Number: FD 35065

From Gretchen Driskell, Chair
Washtenaw Area Transportation Study
705 N Zeeb Road
Ann Arbor, MI 48197

To Vernon Williams, Secretary
Surface Transportation Board
Washington, D C 20423
202-245-0462



RE Certificate of Service

Please be aware that as part of the formal protest regarding FD 35065 the Washtenaw Area Transportation Study has provided letters of service to the following, sent on September 14, 2007

Paul Moates
Sidley Austin LLP
1501 K Street, N W
Washington, DC 20005

Donald Smith
Sidley Austin LLP
1501 K Street, N W
Washington, DC 20005

William Mullins
Baker & Miller PLLC
2401 Pennsylvania Ave, N W Suite 300
Washington, DC 20037

Honorable Lee Gonzales
Michigan House of Representatives
P O Box 30014
Lansing, MI 48909

Karl Morell
Ball Janick LLP
1455 F Street N W Suite 225
Washington, DC 20005

Honorable Carl Levin
United States Senate
269 Russell Senate Office Building
Washington, DC 20501

Honorable Pam Byrnes
Michigan House of Representatives 52nd District
P O Box 30014
Lansing, MI 48909

Ross B Capon
National Association of Railroad Passengers
900 Second St NE Suite 308
Washington, DC 20002

POLICY COMMITTEE MEMBERS

• City of Ann Arbor • Ann Arbor Transportation Authority • Ann Arbor Township • City of Chelsea • Village of Dexter •
Dexter Township • Eastern Michigan University • Michigan Department of Transportation • Northfield Township • Pittsfield Township •
• City of Saline • Scio Township • Southwest Washtenaw Council of Governments • Superior Township • University of Michigan •
• Washtenaw County Board of Commissioners • Washtenaw County Road Commission • City of Ypsilanti • Ypsilanti Township •
• Ex Officio: Federal Highway Administration • Southeast Michigan Council of Governments •

An Intermunicipality Committee organized under Act 200 of Public Acts of Michigan (1957)
representing Washtenaw County

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Honorable Martin Griffin
Michigan House of Representatives
P O Box 30014
Lansing, MI 48909

Harold A. Ross
Brotherhood of Locomotive Engineers & Trainmen
1370 Ontario Street, Mezzanine
Cleveland, OH 44113

Gordon P. MacDougall
1025 Connecticut Ave NW Ste 919
Washington, DC 20036

The following agreed to be notified through email

Terril Blackmore
Washtenaw Area Transportation Study
705 North Zeeb Rd , 2nd Floor
Ann Arbor, MI 48103-1560

Carmine Palombo
535 Griswold Street Suite 300
Detroit, MI 48226

Mayor Gretchen Driskell
The City of Saline
100 North Harris Street
Saline, MI 48176-1642

Michael Moran
Ann Arbor Charter Township
3792 Pontiac Trail
Ann Arbor, MI 48105-9656

If you have any questions please do not hesitate to contact WATS office at 734-994-3127.

Sincerely,

Gretchen Driskell, Chair

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- Dexter Township • Eastern Michigan University • Michigan Department of Transportation • Northfield Township • Pittsfield Township •
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